

## Remarks

These Remarks are submitted in reply to the Office Action mailed March 24, 2006.

Claims 1-7, 9-16, and 18 -21 were pending in the Application prior to the outstanding Office Action. Claims 19-21 were withdrawn from consideration. In the Office Action, the Examiner rejected claims 1-7, 9-16, and 18. New claim 22 has been added. Reconsideration of the rejections is requested in light of the remarks below.

### I. Summary Of Examiner's Rejections

Claims 1-7, 9-16 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Lodrige et al. (U.S. Pat. No. 6,691,175).

### II. The Present Invention Includes A Message Superstructure of TCMs

The present invention teaches the transmission of messages each with a number of typed container modules (TCMs) contained therein. Modulated as such the message can be sent as a series of TCMs such that the receiving application can select among the TCMs and reconstruct and store the message according to its particular configuration needs. The relationship between the TCMs and the message is clearly defined such that the integrity of the entire message is not affected by dynamically modifying, adding, or removing a TCM from the message. This facilitates the handling of the message content with great flexibility and efficiency on the one hand, and provides a very simple and efficient way to add new features on the other hand. Major message content change can be achieved simply by either adding a TCM, or swapping a TCM with a different TCM. Minor message content change can be achieved simply by either modifying or expanding the TCM directly within the message. New features can be added simply by adding new TCMs and new code to process the new TCMs.

### III. Response to Rejections

#### Lodrige Is Actually Less Material Than Benayoun. Although Lodrige Teaches the Placement of Messages into Queues It Does Not Teach Any Message Superstructure Like That of the Present Invention

The present invention teaches and claims a system and method for sending messages. The messages of the present invention constitute a kind of superstructure which contains the TCMs. The relationship between the TCMs and the message is clearly defined such that the integrity of the entire message is not affected by dynamically modifying, adding, or removing a TCM from the message. Major message content change can be achieved simply by either adding a TCM, or swapping a TCM with a different TCM. Minor message content change can be achieved simply by either modifying or expanding the TCM directly within the message.

The messages of Lodrige are not properly analogous to the TCMs of the present invention because, unlike the TCMs, they are not grouped into any superstructure similar to the message and flexible message header structure of the present invention.

#### The Examiner Did Not Present Any Arguments As To The Unpatentability of Claims 2, 4-7, 9, 11, 13-16, and 18.

Applicants have carefully studied the Examiner's rejection and note that it contains no specific arguments as to the unpatentability of claims 2, 4-7, 9, 11, 13-16, and 18. These claims simply were not addressed in the Examiner's final rejection. As such the Examiner has not shown the unpatentability of these ten. Applicants submit that claims 2, 4-7, 9, 11, 13-16, and 18 are indeed patentable.

First, on pages 2 and 3 of the rejection the Examiner writes that in Lodrige there is "a flexible message header (queue 300, fig. 3) operated in queueing (edit) mode for

queuing (modulating) a message with typed container modules (302, 304, fig. 3) wherein each container module is prefixed with an attachment unit (control headers 308, 310, fig.3) . . . .” Figure 3 of Lodrige shows two “control headers” 308, 310, and a queue header 306. The Lodrige control and queue headers serve to **contain** messages rather than **being part** of the superstructure of a given message.

Second, also on page 3 the Examiner writes that the control header attachment units of Lodrige comprise “references (pointers) to the next container module that provide the function of a linked list. Neither the cited text (col. 5, ll. 53-63) nor the cited figure (fig. 4) contain any mention of pointers whatsoever. Actually the word pointer does not appear anywhere in Lodrige. With all due respect, applicants submit that pointers are a specific software or data type of object. The failure to reference claimed “pointers” should not be viewed as cured by the reference to “references”.

Also on page 3, the Examiner writes that “[i]t is submitted that in this data de-queuing mode, the attachment unit would be removed from the message/container because the attachment unit is only for use within the queue structure”. Applicants respectfully disagree. The Examiner has cited control headers 308 and 310 as the “attachment unit”. These “attachment unit” control headers of Lodrige are likely stay in place whether messages are being de-queued or not. Nothing in the text of Lodrige supports the Examiner’s speculation about the control headers ever being removed. Anticipation cannot properly be established by unsupported speculation.

On pages three and four the Examiner writes that the term “reference” as used in Lodrige is not distinguishable from the term “pointer”. Applicants respectfully submit that

they are distinguishable in this context at least as to the way in which they are used because the Lodrige control and queue headers function to contain entire messages rather than forming part of a given message. The Examiner's citation to column 8, lines 20-25 is not helpful on this issue.

New claim 22 has been added. It is the same as claim 1 except for the omission of the phrase "a flexible message header and".

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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